

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SAFETY MUTUAL CASUALTY
CORPORATION,

Plaintiff,

vs.

CLARK COUNTY NEVADA.,

Defendant.

2:10-CV-00426-PMP-PAL

ORDER


Before the Court for consideration is Plaintiff's fully briefed Motion for Summary Judgment (Doc. #39). Having considered the arguments presented on the papers and at the hearing conducted April 17, 2012, the Court finds that Plaintiff's Motion for Summary Judgment (Doc. #39) must be granted.

The Parties are familiar with the facts of this case and they need not be restated here. Specifically, the findings of permanent total disability rendered as to Fire Fighters Michael Lucas on February 13, 2003, and Lloyd Johnson on April 24, 2003, on their respective claims made in 2000, were not subject to coverage under Safety Mutual Casualty's Excess Insurance Policy because the claims advanced in 2000 did not arise from an "occurrence" under the policy for occupational diseases during the coverage period which ended in 1990.

The language of Safety Mutual's Excess Workers Compensation Insurance Policy issued to Clark County and effective for the relevant period June 30, 1989 to June

1 30, 1990, is unambiguous. Based upon the evidence and arguments submitted, the Court
2 finds no genuine issue of material fact remains.

3 DATED: April 19, 2012.

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6 PHILIP M. PRO
7 United States District Judge
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